APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,886	01/07/2002	Van Jacobson	3510.51US01	5638

			EXAMINER
24113	7590	07/07/2006	HOFFMAN, BRANDON S

PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 April 2006</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>25 and 26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>25 and 26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 25 and 26 are pending in this office action, claims 1-24 are canceled and

claims 25 & 26 are newly added.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April

27, 2006 has been entered.

Response to Arguments

3. ·   Applicant's arguments have been considered but are moot in view of the new

ground(s) of rejection.

Claim Rejections

4.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 25 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by

Ellis (U.S. Patent No. 6,484,257).

Regarding claim 25, Ellis teaches a method for initiating a private secure

connection between at least one client and a remote server for transmission of

enciphered communications over a public network using a layered communications

protocol characterized by a protocol stack, the method comprising the steps of:

- Providing a first secure receipt pre-processor equipped to run a first process to

    enable communications with the at least one client (fig. 6, ref. num 640); .

- Communicatively coupling a first response manager to the first secure receipt

    pre-processor (fig. 6, Agent 1...N);

- Placing the remote server in data communications with the first secure receipt

    pre-processor and the first response manager, the data communications being

    intermediated by the protocol stack and the remote server being configured with

    an operating system operative to selectively direct a first secure server process

    (fig. 8, ref. num 810 and 814);

- Receiving at the first secure receipt pre-processor a first client request originating
  at the at least one client and expressing at least one client capability supporting
  the initiation of the private secure connection with the remote server (fig. 8, ref.
  num 822 and 824);

- Responsive to the receipt of the first client request, generating at the first secure
  receipt pre-processor, under control of the first process, a portion of a complete
  response to the client that is consistent with the at least one capability expressed
  in the first client request (fig. 8, ref. num 828 and 830);

- Based upon the portion of the complete response and the layered
  communications protocol, generating at the response manager and
  communicating to the at least one client the complete response responsive to the
  first client request and expressing at least one server capability for supporting the
  initiation of the private secure connection with the at least first client (fig. 11, ref.
  num 1155);

- Responsive to the receipt of the complete response at the client, receiving at the
  first secure receipt pre-processor a first client reply containing a pre-master
  secret transmitted from the client, the pre-master secret being based at least in
  part upon the complete response communicated to the client by the response
  manager (fig. 11, ref. num 1175);

- Responsive to the first client reply, creating a first remote server response under
  directions of the first secure server process by using the first client request
  forwarded to the remote server through the intermediation of the protocol stack
  (fig. 8, ref. num 834 loops to 816 allowing server to continue performance);

- Communicating the first remote response to the response manager, through the intermediation of the protocol stack to cause the response manager to communicate the client reply, through the intermediation of the protocol stack, to the remote server (col. 10, lines 61-67);

- Under direction of the first secure server process, generating a session key using the pre-master secret in the client reply (col. 2, lines 39-42); and

- Encrypting communications, intermediated by the protocol stack, between the remote server and the at least one client over the public network using the session key (col. 2, lines 42-49).

Regarding claim 26, Ellis teaches a method for initiating a private secure session for secured data communications over an unsecured network, the method comprising:.

- Providing a server running under an operating system that controls at least a first process and a second process, the server including a secure receipt pre-processor, a response manager and a secure processor communicatively coupled to each other, wherein the secure receipt pre-processor and optionally the response manager are operationally directed by the first process and the secure processor is operationally directed by the second process (fig. 6, ref. num 640 and Agent 1...N);

- Receiving a first client hello from a client at the secure receipt pre-processor, the client hello including at least one first expression indicative of initiating the private secure session with the secure processor (col. 7, lines 23-25);

- Buffering the first client hello at the secure receipt pre-processor after assigning a secure session identifier to the first client hello (col. 7, lines 62-66);

- Responsive to the first client hello, generating a first server hello cooperatively between the secure receipt pre-processor and the response manager independent of the second process, the server hello including at least one second expression to enable the client to initiate the private secure session (col. 7, line 66 through col. 8, line 3);

- Receiving a first client reply at the secure receipt pre-processor responsive to the first client hello, the first client reply being in a first ciphertext form an including at least one master secret based at least in part on the at least one second expression (col. 8, lines 45-47);

- Responsive to receiving the first client reply, forwarding the first client hello, that matches client reply that corresponds to the buffered dial hello at the secure receipt pre-processor, to the secure processor to cause the secure processor to register the secure session identifier associated with the first client hello with the private secure session (col. 10, lines 61-67);

- Using the pre-master secret in the first client reply to generate a session key at the secure server (col. 2, lines 39-42); and

- Encrypting communications between the client and the secure server using the session key (col. 2, lines 42-49).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100